

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ERNIE MARTINEZ,

Plaintiff,

v.

Civ. No. 19-110 JB/GBW

UNITED STATES OF AMERICA,

Defendant.

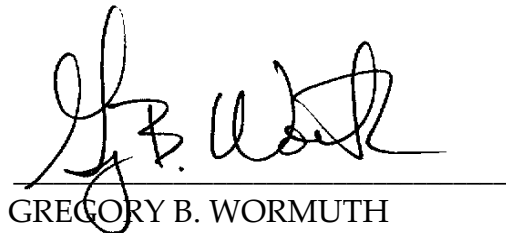
ORDER TO TRANSFER

THIS MATTER is before the Court on the letter to the Honorable James O. Browning (*doc. 1*), which the Court construes as a habeas corpus request under 28 U.S.C. § 2241, filed by Petitioner Ernie Martinez. This Court will order the case to be transferred to the District of Arizona.

Petitioner Martinez is a federal inmate presently incarcerated at FCI Phoenix. *Doc. 1* at 1. In his filing, Petitioner challenges the manner in which the Bureau of Prisons is calculating and carrying out his sentence. *Doc. 1* at 1–16. The Court construes this filing as a request for habeas corpus relief under § 2241. *See Preiser v. Rodriguez*, 411 U.S. 475, 500 (1973); *Jiminian v. Nash*, 245 F.3d 144, 147 (2d Cir.2001) (noting that § 2241 applies to challenges to the execution of a federal prisoner's sentence, including administration of parole, computation of a prisoner's sentence, prison disciplinary actions, prison transfers, type of detention, and prison conditions). Petitioner may only

seek § 2241 relief in the District where he is incarcerated. *Rumsfeld v. Padilla*, 452 U.S. 426, 442-43 (2004). FCI Phoenix is located within the geographic boundaries of the State of Arizona and, for judicial purposes, FCI Phoenix is in the District of Arizona. See www.bop.gov/locations/institutions/lat/. Therefore, because Petitioner is incarcerated in the District of Arizona, this Court will order the case to be transferred to the District of Arizona.

IT IS ORDERED that the Clerk is DIRECTED to TRANSFER this case to the District of Arizona.



GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE